

Sharing Worlds of Knowledge: Research Protocols for Communities

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Marsi Chogh ~ Acknowledgements

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1. Sharing worlds of knowledge

- Connie's experience

(2) *k'áuljazě*

k'ái- l̥- azě
willow-daughter-DIM
'ceremonial willow bud(s)'

(3) *děchēntthú*

děchēn-tthú
tree- tongue
'tree branch'

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1. Sharing worlds of knowledge

- Connie's experience cont'd

(6) *"Sēdziě dēlth hēnēsł̥ s̥."*

sē-dziě dēlth hēnēsł̥ s̥
my-heart IMPF.3S.dance 1SGS.happy ASSERT
(INCEPT.PERF.1SGS.be?)
'My heart dances with joy.'

(7) *"Sēdziě nada."*

sē-dziě nada
my-heart ITER?.IMPF.3S.move
'My heart is moving with anger.'

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1. Sharing worlds of knowledge

- Connie's experience

(1) *"Yēdaryě hējī hgt'ě."*

Creator IMPF.3S.breathe 3S.be

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1. Sharing worlds of knowledge

- Connie's experience cont'd

(4) *"Jlāghě dēchēn lāsł̥ě."*

one tree similar.IMPF.1SGS.be
'I'm living like a lone tree.'

(5) *"Sēdziě ch'udhě hots'ēn nanut̥a."*

sē-dziě ch'udhě ho-ts'ēn nanut̥a
my-heart.POSS vein.POSS AR-towards 2SGO.IMPF.1SGS.love
(sticklike/container)
'I love you (with every vein of my heart)'

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1. Sharing worlds of knowledge

- Connie's experience cont'd

(8) *"Níh chu tu nuhēkáneza hgt'ě."*

land and water 1/2PL.O.for.3S.miss 3S.be
'The land and water misses us (when we're not out on the land).'

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2. Community protocols about sharing knowledge

A set of values and practices around sharing knowledge in a community.

- traditionally unwritten and part of socialization
- traditionally enforced through social control
- the Dënësųłıñé way: hospitality, generosity, sharing, relational
- knowledge-holders have responsibility to teach/share freely
- they are honoured and respected in the community

3. Challenges for traditional community protocols: Colliding worlds

- research is often conducted by "outsiders", who may not know the Indigenous protocols
- social control does not work as enforcement when researcher does not depend on long-term relationships with community members
- traditional protocols are often not part of the official laws of the larger polity (province, state)

=> have not been able to prevent exploitation or misrepresentation

4. Challenges for formal (Western) law

- formal Western laws favour written over oral information, formal over informal accreditation, commercial over culture, ... and thus often colonizers over the colonized
- Western law is insufficient in protecting Indigenous communities, specifically "cultural heritage" or "intangible property"
 - Canada's Copyright Act (Bill C-42) seems largely irrelevant: applies to "works" created deliberately by individuals or small groups and intended for sale/rent, and at best provides shared copyright of a "performer's performance" between the "performer" of the performance and the "maker" of a "fixation" (recording) of the performance, which translates into a 50-50 split of royalties
 - university protocols for research ethics (a) encourage anonymity or even destruction of raw data, (b) are self-interested (safeguard universities from lawsuits), e.g., informed consent can become a formality (Grinevald 2006, cf. also Dorian 2010)

5. Attempted solution: The emergence of formal community research protocols

- communities respond to the modern context by creating formal and written protocols intended to have legal standing in the larger polity
- linguists/researchers have woken up to their responsibility and approach communities differently: community-based/collaborative approach (Cameron et al. 1993, Czaykowska-Higgins 2009, Dwyer 2006, Penfield et al. 2008, Yamada 2007, etc.)
- an attempt to share control over the research process
 - express the values of traditional unwritten protocols e.g., respect for knowledge-holders
 - equitable, mutually beneficial sharing of knowledge
 - goals are co-determined
- intended to be part of decolonization

6. The Clearwater River research protocol: process

- Andrea agreed to draft a protocol based on what people told her about previous bad experiences, based on her own research on protocols, and based on existing UVic documents.
- The draft has been refined in meetings of the Language & Culture Committee and later also in meetings with Chief & Council.
- Brian Thom (UVic, Anthropology) provided input.
- No lawyer has been consulted; due to lack of resources and also ambivalence.
- Approved by Chief & Council in a "motion in principle", awaiting final approval (motion).
- A "living document" that can be changed and adapted as the circumstances require.

7. The Clearwater River Research Protocol: Highlights

- a "background" section which states the values and goals of the community

"... The Dënësųłıñé language and culture, as spoken and practiced in the La Loche area, have been passed down to them from their ancestors through the generations. Their language and culture are an essential part of the Dënësųłıñé; they are a source of identity and of pride, they convey their values, traditions and history, and they help them understand each other, the world and their role in it. The local Dënësųłıñé language and culture are an Intangible Good of the people of La Loche and Clearwater River Dene Nation. This Intangible Good is infinitely precious, its value cannot be measured in dollars, and it is worthy of protection and preservation. ..."

➤ *Intangible Good*: purposely not a legally defined term, and without connotations of ownership

7. The Clearwater River Research Protocol: Highlights

- a general statement about community and research goals

"It is the goal of the Dënësųlınē of Clearwater River Dene Nation to *document, protect, celebrate, and ensure the survival of the Dënësųlınē language and culture in all their fullness.*

In pursuing this goal, Clearwater River Dene Nation will respect community, family, and individual ownership of certain intellectual properties, as well as individuals' rights and freedoms under the Canadian Constitution.

Any work with or on the Dënësųlınē culture and language by researchers (e.g., academics, museums, archives, educators, consultants, journalists, etc.), will be in line with, and actively support, the goal stated above."

- addresses both community and individual rights

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7. The Clearwater River Research Protocol: Highlights

- the specific guidelines are introduced as principles of respect

"The local Dënësųlınē language and culture are an Intangible Good of the people of La Loche and Clearwater River Dene Nation. Any research on or with the culture and language will respect that the local Dënësųlınē language and culture are an Intangible Good.

Researchers working on or with local Dënësųlınē language and culture will be held to the high standard of respecting the principles that: ..."

here follows a list of guidelines, among them:

"e. All researchers must show respect for local traditions, language, and community standards. They will endeavour to learn the unwritten local protocols, traditions, and practices of the people with whom they do research, and will work to ensure that they follow these protocols, traditions and practices in conducting their research. This applies especially to research with Elders..."

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7. The Clearwater River Research Protocol: Highlights

- guidelines around ownership and profit:

"b. Researchers will not have, or claim ownership, of the local Dënësųlınē language and culture or representations thereof.

c. Researchers will not use Dënësųlınē language and culture or representations thereof for personal direct financial gain."

- other guidelines:

- no research without informed consent
- no misappropriation or misrepresentation
- community & public have access to research materials, but confidentiality requests & access restrictions are respected
- no "fixations" or representations of items declared *Sensitive Information* (e.g., no recordings of certain ceremonies)

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7. The Clearwater River Research Protocol: Highlights

- guidelines around intellectual property & copyright:

- designated *originals* of recordings & photographs owned by community members; community & researchers have copies
- reason: holder of original "fixation" has copyright
- *notes* owned by researchers; community members & community have copies
- reason: notes involve researchers' intellectual work
- researchers & publishers do not claim copyright of items declared *Intangible Property*: cultural or linguistic items belonging to individuals, or collectively to the community (e.g., songs, stories, medicines)

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7. The Clearwater River Research Protocol: Highlights

- guidelines protecting researchers:
 - community will inform researchers of local values & practices, so they can respect them
 - license to publish nonrestricted materials:

"While protecting their language and culture as Intangible Good, the people of Clearwater River Dene Nation acknowledge that the collaboration with researchers can help in achieving the goal stated in section 2 above. They also acknowledge that it is part of the job of researchers to publish their research, and that such publications can help document and maintain local Dënësųlınē language and culture.

Therefore:

k. Researchers are granted licence to publish the information they collected about Dënësųlınē language and culture – for scholarly and educational purposes."

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7. The Clearwater River Research Protocol: Highlights

- Implementation:
 - Chief & Council may form advisory group which interacts with researchers and makes recommendations to C&C
 - final authority rests with C&C, the elected representatives
 - MoU between researchers and C&C for approved projects
- Role of advisory group (or C&C):
 - review proposed research & monitor ongoing research
 - educate researchers about local values & practices around knowledge sharing
 - determine what is *Intangible Property* and what is *Sensitive Information*
 - archive products of research and reappropriate products of previous research

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8. The Clearwater River Research Protocol: Summary

- addresses both community needs and researcher needs
- addresses both group rights and individual rights
- does not distinguish between researchers which are community members and researchers from outside the community
- in essence, expresses the common sense principles of respect, fairness, transparency and mutuality

protocol development was an important way of establishing trust between Andrea and the community

9. Formal research protocols: advantages

- an explicit frame of reference, everyone is on the same page
- forces a community to think about what it wants in terms of research, can create awareness
- important symbolic value for a community: validates community's informal/traditional protocols, community's language & culture, expresses community's power
- a good, beneficial guide for researchers
- can result in interesting, long-lasting partnerships

10. Formal research protocols: disadvantages

- take time to develop
- take resources to develop (writers, researchers, lawyers)
- take time to disseminate
- take resources & people to implement (e.g., a "protocol board")
- may delay onset of research
- people may not follow it (both community members & outsiders) – tension between individual rights & group rights
- danger that such protocols perpetuate the Western paradigm: written, often in the dominant language, Western concepts & legal frameworks... (cf. Ignace & Ignace 2008, Intro chapter in Bell & Napoleon 2008)

Selected references

- Battiste, Marie, & J. (Sa'ke'j) Youngblood Henderson. 2000. *Protecting indigenous knowledge and heritage: a global challenge*. Saskatoon: Purich Press.
- Bell, Catherine E., & Val Napoleon (eds). 2008. *First Nations cultural heritage and law: case studies, voices, and perspectives*. Vancouver: UBC Press.
- Bell, Catherine E., & Robert K. Paterson (eds). 2009. *Protection of First Nations cultural heritage: laws, policy, and reform*. Vancouver: UBC Press.
- Cameron, Deborah, Elizabeth Frazer, Penelope Harvey, Ben Rampton, and Kay Richardson. 1993. Ethics, advocacy and empowerment: Issues of method in researching language. *Language & Communication* 13 (2): 81–94.
- Coombe, Rosemary. 1998. *The cultural life of intellectual properties: authorship, appropriation, and the law*. Durham: Duke University Press.
- Czaykowska-Higgins, Ewa. 2009. Research models, community engagement, and linguistic fieldwork: Reflections on working within Canadian Indigenous communities. *Language Documentation* 3 (1): 15–50.
- Dobrin, Lise M. 2008. From linguistic elicitation to eliciting the linguist: Lessons in community empowerment from Melanesia. *Language* 84 (2): 300–324.
- Dorian, Nancy. 2010. Documentation and responsibility. *Language & Communication* 30: 179–185.
- Dwyer, Arienne M. 2006. Ethics and practicalities of cooperative fieldwork and analysis. In *Essentials of language documentation*, ed. Gippert, Jost, Nikolaus P. Himmelmann, and Ulrike Mosel, 31–66. Berlin: Mouton de Gruyter.

Gerdts, Donna. 1998. Beyond expertise: The role of the linguist in language revitalization programs. In *Endangered languages: What role for the specialist?*, ed. Nicholas Ostler, 13–22. Bath, UK: Foundation for Endangered Languages.

Grinevald, Colette. 2006. Worrying about ethics and wondering about "informed consent": Fieldwork from an Americanist perspective. In *Lesser-known languages of South Asia*, ed. Saxena, Anju, and Lars Borin. Berlin: Mouton de Gruyter.

Gwich'in Tribal Council Research Protocol:

<http://www.gwichin.ca/TheGwichin/traditional.html>

Ignace, Marianne, and Ron Ignace. 2008. Canadian Aboriginal languages and the protection of cultural heritage. In Bell & Napoleon 2008 (op. cit.), 416–441.

Penfield, Susan, Angelina Serratos, Benjamin V. Tucker, Amelia Flores, Gilford Harper, Johnny Hill Jr., and Nora Vasquez. 2008. Community collaborations: Best practices for North American Indigenous language documentation. *International Journal of the Sociology of Language* 191:187–202.

Reyhner, Jon, and Louise Lockard, ed. 2009. *Indigenous language revitalization: Encouragement, guidance & lessons learned*. Flagstaff, AZ: Northern Arizona University. (<http://jan.ucc.nau.edu/~jar/ILR/>)

Smith, Linda. 1999. *Decolonizing methodologies: research and indigenous peoples*. London/New York: Zed Books.

Thom, Brian. 2006. Respecting and Protecting Aboriginal Intangible Property: Copyright and Contracts in Research Relationships with Aboriginal Communities. Report to Department of Canadian Heritage, Policy Branch, Ottawa.

Wilkins, David. 1992. Linguistic research under Aboriginal control: a personal account of fieldwork in Central Australia. *Australian Journal of Linguistics* 12:171–200.

Yamada, Racquel-Maria. 2007. Collaborative linguistic fieldwork: Practical application of the empowerment model. *Language Documentation & Conservation* 1 (2): 257–282.

<<http://www.law.ualberta.ca/research/aboriginalculturalheritage/index.htm>>